IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2547 OF 2004

IN

SUIT NO. 683 OF 1986

Dr. Mrs. Jean Prabhu ..Plaintiff

versus

June R.G. Noronha & Ors. ..Defendants

Mr. Shailesh Shah i/b. M/s. M. Ranchoddas & Co. for the Plaintiff.

Mr. S. H. Doctor with Mr. S. A. Diwan with Mr. M. Pereira i/b. M/s. Wilfred Pereira & Co. for the Defendants.

CORAM : D. G. DESHPANDE,J.

DATE : 6TH OCTOBER 2004.

P.C. :

1. Heard learned counsel for the Defendants who have taken out this notice of motion and counsel for the Plaintiff. Considering the fact that the plaintiff and the defendant No.1 are sisters and admittedly there is a breach on the part of the plaintiff in complying with the requirements of the agency agreement and that the plaintiff has not paid

the society charges in the last two years total amounting to Rs.84,860/= and also considering the offer of the Counsel for the Plaintiff that the Plaintiff is ready to pay all those charges on or before Monday 11th October, 2004 by 5 p.m. to the Condominium directly. Statement of the counsel for the Plaintiff is accepted. Plaintiff to deposit the aforesaid amount with the Condominium by 5 p.m. on or before Monday 11th October, 2004.

2. It is clarified that the court has shown indulgence to the plaintiff only this time and in future if there is even a single default in paying the society charges as per the original agency agreement, or in payment of Rs.84,860/= on or before Monday the 11th Octobder, 2004 by 5 p.m. the Plaintiff will have to give back possession to the Court Receiver.

3. With this Notice of Motion is disposed of.

4. An ordinary copy of this order be supplied to the parties and all concerned parties to act on an ordinary copy of this order duly authenticated by the Court Associate.

****